

The Honorable Lorna G. Schofield

United States District Judge Southern District of New York Thurgood Marshall United States Courthouse 40 Foley Square, Courtroom 1106 New York, New York 10007

Robert Mercer V. New York City Housing Authority, Docket No.
19-CV-8842 (LGS)
Pre-motion letter

—Dear ~~Judge~~ Schofield:

Pro Se plaintiff Robert Mercer writes this letter in accordance with your Honor's rules. This letter is to advise your honor that Pro Se plaintiff intends to move for a Motion for Summary Judgment pursuant to fed. R. Civ. P. 56.

Following the evidence provided and with giving the defendant time to make repairs, the defendant's position is that on numerous occasions workers were sent to the plaintiff's home to paint, either the plaintiff was not home or work was refused. The plaintiff's position is that NYCHA workers were sent to the plaintiff's home to paint, but not for mold removal. Plaintiff claims, devoid of discovery response, defendant cannot produce admissible evidence to support the fact. Plaintiff claims from 5-21-2019 - to date, that the environmental conditions he is left under is hazardous and unsafe and can cause terminal illness. In accordance with the rules, regulations and policies, NYCHA is in violation of 24 CFR 5.703 (f) which states: *The dwelling units and common areas must have proper ventilation and be free of mold.*

Whereas Pro Se plaintiff Robert Mercer hereby moves the court for the motion for summary judgment pursuant to Fed. R. Civ. P. 56. is entered in favor of Plaintiff.

Pro se Plaintiff Mercer is advised that this case is not at a stage where judgment can be entered. Defendant has filed a motion to dismiss, which will be decided first, before any motion for summary judgment. Per the Orders at Dkt. Nos. 45 and 58, Mr. Mercer may file an opposition to Defendant's motion to dismiss. The opposition should respond to the arguments in Defendant's motion to dismiss. The Court understands that Mr. Mercer is not a lawyer and is not represented by a lawyer. Therefore, the Court will apply the necessary legal analysis in deciding the motion, whether or not Mr. Mercer chooses to oppose the motion. Mr. Mercer's deadline to file any opposition, previously extended from June 26 to July 21, is extended to **July 31, 2020**. If no opposition is received by July 31, 2020, Defendant's motion to dismiss will be deemed fully submitted and ready for decision. Defendant's next status letter on repairs shall include a summary of all repair efforts to date. So Ordered.

The Clerk of Court is respectfully directed to mail this Order to pro se Plaintiff and to close Dkt. No. 61.


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE